



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gray et al.
Title: Surgical Device with Malleable Shaft
Appl. No.: 09/432,523
Filing Date: 3 November 1999
Examiner: David J. Isabella
Art Unit: 3627

<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below.</p> <p><u>Kimberly C. Luna</u> (Printed Name)</p> <p><u>Kimberly C. Luna</u> (Signature)</p> <p><u>14 Oct 2005</u> (Date of Deposit)</p>
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REQUEST FOR RECONSIDERATION

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant filed a Petition under 37 C.F.R. 1.137(b) to revive the above application on 28 April 2005 ("Petition"). This Petition was denied because Applicant failed to file the required reply, *to wit*, a submission under 37 C.F.R. 114 (Request for Continued Examination). However, a Response after Final was filed with the Petition. In fact, on 6 October 2005 the Patent Office mailed an Advisory Action Before the Filing of an Appeal Brief in response to the Response After Final. Thus, it is respectfully submitted that Applicant indeed filed the required reply.

In any event, submitted herewith is a Request for Continued Examination. Applicant respectfully requested that the Decision on the Petition be reconsidered and that the above application be revived. Alternatively, applicant requests that the Petition along with the enclosed Request for Continued Examination be considered a renewed Petition under 37 C.F.R. 1.137(b) to revive the above application.

The Commissioner is authorized to charge any deficiency in fees or credit any overpayment to Deposit Account No. 50-0256. A duplicate copy of this correspondence is enclosed for such purpose.

Respectfully submitted,

Date 14 October 2005

By 

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